

### Remarks

By this Preliminary Amendment, claims 75-80 are added. Accordingly, claims 24-30, 60-68 and 70-80 are pending in this application, claims 24, 30, 61, 68, 75, 79 and 80 being the independent claims. No new matter has been added.

#### *Telephone interview of October 2, 2003*

Applicants' representative thanks the Examiner for the courtesies extended during the telephone interview of October 2, 2003. In the telephone interview, Pinchasik *et al.*, U.S. Patent No. 5,449,373 was discussed in detail. Applicants' representative also discussed with the Examiner the aspect of malleability (or plasticity), which determines whether a stent made from a particular material (for example, metal) acts as a self-expanding stent (due to its shape), or as a balloon-expandable stent. Applicants' representative further explained that the structure shown in Pinchasik *et al.* can have different **flexibility** in different portions of the stent, but does **not** have different **plasticity** (or **malleability**) in different portions, because it is made from a sheet of the same material. Thus, the Pinchasik stent can be a self-expanding stent, or it can be a balloon-expandable stent, but it is **not** both, and does not have portions that are both.

The Examiner indicated that, in view of the discussion of flexibility and malleability/plasticity, he will need to reconsider the issue of whether or not the Pinchasik reference anticipates any of the pending claims.

The Examiner also indicated that Cragg, U.S. Patent No. 5,665,115, a reference not cited previously, may also anticipate some of the pending claims, although further consideration may be required. Applicants respectfully point out that Cragg is directed to a Nitinol **helical** stent (see, e.g., col. 2, lines 45-53 and 55-57 of Cragg). On the other hand, the recited "loops" are

generally circular structures, not helical structures. Thus, Applicants respectfully submit that at least for this reason, Cragg does not anticipate any of the pending claims

***New Claims 75-80***

New claims 75-80 are added, to provide additional coverage for the present invention. Support for the language of the claims may be found, for example, in the previously pending claims. No new matter has been added.

**Conclusion**

Should the Examiner have any questions with regard to this Response, or determine that any further action is necessary to place this Application in better form for allowance, the Examiner is encouraged to telephone Applicants' representative at (202) 371-2600.

Respectfully submitted,

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